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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 220400747

EXAMINER	
SODERQUIST, ARLEN	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/381,828
Filing Date: November 24, 1999
Appellant(s): SKOLD, ROLF

D. Richard Anderson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 30, 2007 appealing from the Office action mailed October 31, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-2, 4-8,10-18.

Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Tondre, C. et al, Journal of Dispersion Science and Technology 1986, 7, 581-597.

Rouse, J. et al, Journal of the American Oil Chemists Society 1995, 72, 37-42.

Dombay, Zs. et al, Proc. Conf. Colloid Chem. Mem. Ervin Wolfram, 5th 1990, Meeting Date 1988, 106-109 Editors: Kiss, E. et al, Publisher: Lorand Eotvos Univ., Budapest, Hung.

Hagan, D. et al, Review of Scientific Instruments 1987, 58, 468-474.

Nitta, T. et al, Fluid Phase Equilibria 1989, 53, 105-112.

Streett, W. B. Pure & Applied Chemistry 1989, 61, 143-152.

Yan, Z et al, Analytica Chimica Acta 1990, 234, 493-497.

Khomutov, L. I. et al, Carbohydrate Polymers 1995, 28, 341-345.

Ohno, N. et al, Macromolecules 1985, 18, 1287-1291.

Subbaramaiah, K. et al, Current Science 1939, 8, 360.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 4-8, 10-12, 14-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tondre in view of Rouse and Dombay, Hagan, Nitta, Streett or Yan. In the paper Tondre teaches an automated device and method for the determination of isotropic microemulsion phases of ternary systems including a nonionic surfactant. The advantages and limits of an automatic procedure to permit the fast determination of the composition limits of isotropic microemulsion phases of water-oil-surfactant systems were determined. This system is based on detecting the temperature defining the lower and upper miscibility curves by the change of turbidity to study the solubilization of oil or water in binary mixtures of nonionic surfactants and water or oil and then reconstructing the usual ternary phase diagram at any chosen temperature. The method was especially well suited for the investigation of systems including

nonionic surfactants which are very sensitive to temperature changes. Four systems were tested including hydrogenated as well as fluorinated surfactants and oils. Data obtained for systems having neat turbidity changes were easy to interpret. For systems containing a liquid crystalline phase the turbidity-temperature curve was more difficult to interpret. The last paragraph of page 581 teaches that the method is particularly useful when dealing with expensive products that one cannot afford to prepare a sealed ampoule for each point of interest in the phase diagram. The apparatus is shown in figure 2 and is substantially similar to the claimed structure. In the figure is shown a measuring cell holding a liquid sample, a magnet to stir or homogenize the sample, a thermostated cell holder to change the temperature of the sample under control of a temperature programmer, a diluter (dosage organ) with programmer to add another liquid containing a different component concentration that changes the component concentration in a predetermined manner, a light source and detector (at least one measuring organ) to measure the turbidity (dependent property) of the sample as the component concentration and liquid temperature are changed and a temperature probe (measuring organ) to determine the temperature. Figures 3, 4, 5 and 6 show the temperature/turbidity data along with the concentration increments added. These figures clearly show that the liquid temperature and component concentration were controlled in a predetermined manner and that the data were displayed with the dependent physical property (turbidity curve) as a function of the independent variables (component concentration and temperature). It is noted that the concentration increments in these figures are all within the claimed range. The last paragraph of page 582 teaches that inclusion of temperature as a variable allows more information to be obtained than with a simple titration procedure that is at a fixed temperature. Tondre differs from the instant claims in that there is not a central computer to control the parts, store the data and display the data in a three dimensional format or diagram.

In the paper Rouse teaches automation of phase diagram recording. An automated titration system was developed for generating data to construct phase diagrams, which are extremely useful in the development of personal and household products. The authors describe the system and how it can be used to perform the technique of dual titration. A clear microemulsion sample is titrated with oil until the dispersion turns cloudy (defined to be a transmittance < 90%). This mixture is then dosed with a certain quantity of cosurfactant, more

than enough to clear the mixture. The sample is again titrated with oil. This process continues until the sample no longer clears upon adding cosurfactant. The resulting measurements of oil uptake can be used to characterize the boundaries of the L1 or oil-in-H_2O microemulsion region of the phase space. Experiments for up to sixteen samples can be performed, each having individual setup and operating instructions. Features include completely automated operation, computer-controlled 2-speed mixing, viscosity detection at the end-point condition, and the storage of results in a computerized format. Page 14 teaches the calculation of the component concentration by the computer. Figures 1 and 6-7 show multidimensional representations of the data with figure 7 being a contour plot. From the experimental section it is clear that the device and method use a single vessel to which additions of a solution that changes the concentration of at least one of the components is added in increments. It is noted that the ethylene glycol monohexyl ether (C_6E_1) used in the experiments is a nonionic surfactant.

Dombay presents an investigation of emulgation and emulsion stability of thiocarbamate herbicides. Emulsification and emulsion stability (persistence in time) of thiocarbamate herbicides (ethiolate, EPTC, cycloate and butylate) were investigated through photometric measurement of turbidity. Influence of various parameters were evaluated. The last paragraph of page 107 teaches that these parameters included temperature and component concentration (concentration of the emulsifier). Investigations included combined herbicidal formulations. Results were analyzed and represented by computer in three-dimensional diagrams. Figures 2-3 show three dimensional diagrams that were produced and included concentration (C) as one of the independent variables (page 108 last paragraph).

In the paper Hagan discusses a modular software-controlled electrochemical system. A modular microcomputer-controlled 3-electrode potentiostat configured with graphics is presented. The system was designed for metallic surface characterization and is capable of performing in different modes of operation including single sweep voltammetry, cyclic voltammetry, and chronoamperometry. An integrated and flexible software system for control, data taking, data storage, and transfer is described. Data analysis software for the IBM-PC computer including 2- and 3-dimensional plotting as well as menu-driven theoretical modeling, simulation, and curve fitting was developed. Figure 12 shows a three dimensional diagram that was produced by the system. The last paragraph teaches that for the display of a number of data

sets on the same page or screen simultaneously, a three-dimensional plot is often helpful since the curves often contain similar shapes over certain areas of the curve. The three-dimensional curve allows the intuitive appreciation of the dependent processes. In the first paragraph of the introduction Hagan teaches that the electrochemical processes are generally complex and sometimes difficult to determine accurately. An important step in the increase in accuracy and reproducibility of the measurements was accomplished by use of computer-controlled analysis. One such device is referenced and taught as capable of controlling most of the analytical techniques. The paragraph then teaches that opportunities presented by the rapid increase in computing power at the desktop level can be realized in new combinations of hardware and software. The availability of this computing power is bringing the capabilities of a main frame computer to the level of the desktop or laboratory computer. This new computing power is taught as having its most useful application in the areas of graphics displays, data processing and theoretical simulation of the phenomena under study. In the paragraph bridging pages 468-469 Hagan teaches that in order to provide the experimenter with the maximum information from the data and the greatest flexibility, an instrument must have the ability to store and recall the data for display or access in either numerical or graphic form. The paragraph then describes benefits of data handling and display.

In the paper Nitta presents phase equilibrium calculations and their three-dimensional computer graphics representation. An important role of global stability analysis is emphasized for phase equilibrium calculations to determine the thermodynamically most stable solution. An algorithm used in this work is to find first an outside solution in the Gibbs energy surface and then to search any inside solutions by means of the bisection search principle. The global stability analysis should also be applied to mixture critical points calculated from the conventional critical condition. Typical phase diagrams are calculated for binary mixtures including three phases (gas, liquid and solid) by using the Soave-Redlich-Kwong equation of state. Three-dimensional pressure-temperature-composition (pTx) phase diagrams were displayed on a personal computer with functions of rotation, zoom, enlargement and projections on the pT, px and Tx axes. The last paragraph of page 105 teaches that three-dimensional phase diagrams are superior to conventional pictures for understanding the phase behavior of complex systems. The work of a prior author, Charos et al. (of record in the instant application), although

limited, was sufficient to demonstrate the potential of the computer graphic techniques for research and education of phase equilibria. Figures 3-7 show several phase diagrams with figure 7 also showing how the diagram can be viewed in slices or projections with the ability to see features in the projections (also see first full paragraph of page 112).

In the paper Streett presents phase behavior in fluid and solid mixtures at high pressures. Following the description of a classification scheme for fluid phase diagrams of two-component systems, based on boundary lines in pressure-temperature space, the three-dimensional features of several important classes of pressure-temperature-composition phase diagrams for two-component mixtures at high pressures (up to 100 kbar) are described. The discussion includes two- and three-phase equilibria between gas, liquid and solid phases, with emphasis on the qualitative effects of pressure on these systems and the picture of continuity between different types of critical and 3-phase phenomena that has emerged from studies at high pressures. The last paragraph of page 143 teaches that a two-component system can be completely described by a three-dimensional diagram. The figures and associated discussion show several three dimensional diagrams and how they can be used to explore the systems studied.

In the paper Yan teaches automated establishment and plotting of multivariate functions. An earlier package for univariate functions is extended to multivariate functions in the QQN series software, which contains millions of models. The models are characterized by numbered basic and compound functions selected by the user. Plots for a selected model are displayed in rotatable three-dimensional coordinates. The package can be run on an IBM-PC or compatible computer. An application to plotting the thermal capacity of alkanes is given. The last full paragraph of page 495 teaches that graphic display is not only helpful to users, but also provides information that is otherwise inaccessible. For multivariate functions, sophisticated methods are needed to solve the problems and a graphical display of curved surfaces is more useful.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the computer of Rouse, Dombay or Hagan and use it to store the data of Tondre and produce three dimensional diagrams of the data as shown by Rouse, Dombay, Hagan, Nitta, Streett or Yan because of the ability to map out an emulsion property, overcome the tedious nature of the process and its extreme usefulness in the development of products as taught by Rouse or to gain the advantages of computing power now available at the desktop or laboratory

level with their resulting benefits in display and interpretation of the data as shown by Dombay, Hagan, Nitta, Streett or Yan. Additionally the Courts have held that providing a mechanical or automatic means to replace manual activity which accomplishes the same result is within the skill of a routineer in the art (see *In re Venner*, 120 USPQ 192 (CCPA 1958)). Relative to the gradual vs. one-step methods of adding liquids to change the concentration the Courts have held that selection of any order of mixing ingredients is prima facie obvious (see In re Gibson, 5 USPQ 230 (CCPA 1930)).

Claims 12-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tondre in view of Rouse and Dombay, Hagan, Nitta, Streett or Yan as applied to claims 1-2, 4-8, 1-2, 4-8, 10-12, 14-15 and 18 above, and further in view of Khomutov, Ohno or Subbaramaiah (Subba Ramaiah). Tondre does not teach the scope of measurement methods.

In the paper Khomutov presents temperature-composition phase diagram and gel properties of the gelatin-starch-water system. The gelatin-starch-water system has been studied at different temperatures, at a total biopolymer concentration of 5.0 wt%. The weight ratios (W) of gelatin/starch used were 9:1, 8:2... 2:8, 1:9, with pH values between 5.82 (at W = 9.1) and 6.50 (at W = 1:9). The systems were characterized rheology and by turbidity measurements to construct a phase diagram in the temperature (T) and composition (W) variables. The T-W quadrant consists of three regions: a single-phase solutions region (A) and regions of complete and incomplete phase separation (B and C, respectively). The system in region C is a gel. Region B, lying between A and C, corresponds to two co-existing liquid phases. The transition from A to C (obtained by cooling the system at constant W) involves crossing region B. The properties of the resulting gels depend on the rate of this intersection. Gels formed on rapid cooling have an even distribution of turbidity, whereas slow cooling gives two gel layers of different turbidity. The gelation temperature and gel strength of the mixed systems are dominated by the gelatin component, with no indication of network formation by starch. The change in temperature is taught as continuous.

In the paper Ohno discusses isotope effects on hydrophobic interaction in hydrophobic polyelectrolytes. Optical, pH, viscometric, and 1H NMR titrations in 0.01-0.27 M aqueous NaCl at 5-45° indicated a more enhanced hydrophobic stabilization of the compact coil formed in

hydrolyzed alternating maleic anhydride-perdeuteriostyrene copolymer (I) than in the undeuterated copolymer (II). The curves for the pH-induced conformational transitions from compact to extended coil forms were calculated from the pH and optical data in terms of the coil fraction in the molecule vs. degree of ionization of the carboxyl groups. Also, thermodynamic parameters of the conformational transition were determined from the pH-titration curves and their temperature dependence, considering dissociation of the secondary carboxyl groups. The transition curve, transition free energy, and difference of specific heats between the compact and coil forms in 0.03 M aqueous NaCl for hydrolyzed I were compared with those previously reported for II.

In the paper Subbaramaiah discusses the solid-liquid transition of colloidal stearic acid. Sols of solid stearic acid in water show a marked "Schlierung" effect which disappears at the melting point of the acid, owing to transition from rod-shaped to spherical particles. The transition is reversible, and is accompanied by an inflection in the conductivity-temperature curve and sharp changes in intensity and depolarization of the light scattered from the particles of the sol.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add additional detection means as taught by Khomutov, Ohno or Subbaramaiah to the device and method of Tondre because as shown by Khomutov, Ohno or Subbaramaiah the additional detection methods give complimentary or additional information on the mixtures tested.

(10) Response to Argument

Regarding the statements bridging pages 16-17, examiner notes that while a claim may have multiple embodiments that are either claimed in the alternative or covered by the language, the art only needs to show one of the alternates listed or one embodiment that covers all of the required elements to show that a claim is obvious.

Relative to the general statement/section that not all of the elements of the claims(s) are met by the combination of references, examiner replies that the Primary reference Tondre clearly

shows an automated apparatus and method in which results in the production of data for a dependent physical property (turbidity, see heading of figure 1 and the limitations of claim 12) of a sample that is measured at a number of concentrations and temperatures (see figures 3-6). Thus the data is not shown in a three dimensional format, it is capable of being represented in a three dimensional figure. The Rouse reference teaches the desirability of using a computer controlled apparatus to take the data and produce a phase diagram. The Dombay, Hagan, Nitta, Streett and Yan references Clearly show the use of three dimensional representation of data and advantages for using that type of representation. Thus there is basis in the applied reference for using a computer to produce (coordinate data) into a three dimensional diagram for viewing as found in step 5. It is noted that Tondre includes several programmable control apparatus (see figure 2, the diluter with programmer, the programmable cryostate and the temperature programmer. Figure 3 of the Rouse reference teaches a flow diagram for control of the addition and turbidity measurement of the oil sample. Note that data is taken at a number of points followed by storing the results by the algorithm. Thus Rouse shows how one of skill in the art would have used a computer to substitute for the controls in Tondre. The In re Venner decision supports the automation of the Tondre apparatus and method by replacing the controls of Tondre with a computer as shown in Rouse as it is an issue of further automation of Tondre. Relative to the calculation of the component concentration, Tondre clearly shows the component concentrations in the figure explanations. The only way that these could be derived is from a knowledge of how much was added to begin with and how much was subsequently added by the diluter. Thus any diagram would have had to derive the concentration values based on these values from the controlled addition of the liquid to change the concentration. Relative to step 2

of claim 1, examiner notes that the determination of the temperature is required but alternative methods are listed: by calculation or by measurement. Tondre clearly teaches this second alternative (see the PT 100 probe of figure 2 and the first full paragraph of page 585). Relative to step 3, the component concentration is varied by the diluter with programmer. Thus the diluter is controlled to add the succeeding amounts of adduct by the programmer (control program).

Relative to the general lack of motivation section, it is clear looking at the teachings of the references as explained above that there are advantages taught by the references for using a computer to control an apparatus such as Tondre and representing the phase diagram data in a three dimensional format. Furthermore it is clear at least from figure 3 of the Rouse reference that different control programs would have been used to control the different operations of the Tondre device as is found even in the control of the Tondre device.

Relative to the arguments and discussion of the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Since a combination of references has been used and there is both motivation and expectation to make the combination, the comments relative to the individual references are not commensurate in scope with the rejections. Also many of the comments are directed to the manner in which the present invention. However it is the scope of the claims rather than the actual way in which applicants invention functions that is at issue. For example, while Appellant's invention may be capable of having more that one measuring device and measuring more than one property at the same time

(pages 5-6 of the instant specification), none of the present claims require any more than one measuring device and one property being measured. Thus an argument based on what Appellant's method and apparatus are capable of is not commensurate in scope with a claim or claims that do not require all of the structure or steps for that capability. Also any advantages that are a result of the combination of measuring devices are not commensurate in scope with the claims. Thus an argument based on the present invention is not commensurate in scope with the present claims.

Relative to the Tondre reference, examiner notes that figures 3 bis (page 587), 4 bis (page 589), 5 bis (page 591) and 6 bis (page 594) are phase diagrams produced from the data of figure 3-6. Thus, the design or intention of Tondre requires the production of a phase diagram. Relative to the comments on page 581-583 of Tondre, examiner points out that to meet the claims which are not limited to any particular liquid or physical and/or chemical properties nor required to be capable of characterizing all of possible properties or even all of the properties listed in claim 12 of all liquids, all that is required to meet the claims is a single property of a single type of liquid. The abstract and the last paragraph of page 582 of Tondre clearly show that this was the intent that Tondre had and achieved. While Tondre does not teach three dimensional representations of the data of phase diagrams, this is not required since a combination of references has been used and the secondary references show the desirability of this format. Relative to the temperature and concentrations, at least the Rouse reference shows the automated recording of titration values with a computer.

Relative to the Rouse reference and its combinability with Tondre examiner notes, the test for obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Additionally the presence of additional features does not disqualify it from being used since Appelant's claims are open language which would allow for additional features as long as the minimum required features are present. AS a secondary reference, the Rouse reference is not required to show all that Tondre shows or teaches.

Relative to the Dombay reference, again as a secondary reference, Dombay is not required to show either all elements of the claims or all elements of the primary reference. Additionally applicant has not show how three references from the same field determining properties of emulsions are not properly combined. Appellant has not shown that how one obtains the data would prevent one from displaying it in a different format based on a reasonable motivation to use that format.

Relative to the Hagan reference, it is dealing with computer control of an analytical instrument (automation of an analytical instrument). Thus there are issues of similarity in the problems seen. Hagan is also not required to show all of those things that are taught by Tondre. In doing this Hagan shows that representing the data obtained can be in both two and three dimensional formats. The last paragraph of page 474 clearly teaches that there are advantages to the three dimensional display of data when the curves contain similar shapes. If one considers the data shown in figures 3-6 of Tondre, one of skill in the art would have recognized the

similarity in the curves as the concentration changed and thus recognized the advantage taught by Hagan would be applicable to the data of Tondre.

Relative to the Nitta, Streett and Yan references, examiner notes that they clearly deal with representing data that is capable of being represented in a three dimensional format (phase diagrams for Nitta and Streett and multivariate data for Yan). The data of Tondre would have been recognized to fit in these categories because of the production of phase diagrams in Tondre (figures 3 bis, 4 bis, 5 bis and 6 bis) and by the multivariate nature of the data (both temperature and composition are varied during accumulation of the turbidity data). Thus all three would have been recognized as being relevant to the display of the data and its automation or handling by an automated system.

Relative to the Khomutov, Ohno or Subbaramaiah (the reference appellant described as Subba, examiner has no record of a voicemail message for Appellant on this subject), they clearly show that other types of properties can and are measured to characterize emulsions. Again, these references are not required to show what is already found in Tondre. Thus they do show what they have been used to show: alternative properties that can be measured and used to characterize emulsions.

In the description of each of the secondary references includes, the a description of the portion of the reference describing the feature(s) lacking from Tondre and the possible advantages that would have recognized and expected by one of ordinary skill in the art when modifying the teachings of Tondre with those of the secondary reference. As shown above the references are analogous because they deal with a similar problem and/or are from the same field. Thus the combinations have motivation and do not result from improper hindsight.

Relative to the obvious to try argument, examiner points to the references themselves for motivation that would have been recognized by one of skill in the art as providing a reason to make the modification of Tondre and an expectation that the advantages taught would have been obtained through the modification. Relative to the changing of principle of operation argument (page 44), examiner notes that the instant claims fail to require anything other than a three dimensional representation of the data. Thus the diagram can be as simple as stacking the Tondre data with an offset corresponding to the composition change at the adduct addition points to a much more complex an involved process. The fact that a reference such as Dombay or Hagan shows such a representation from data set that included multiple variables would have given an expectation that the data of Tondre could be represented in a three dimensional format appropriate for the purpose of Tondre. Thus there is not change in the principle of operation of Tondre. Also as noted above, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Just because Appellant feels or believes the reference combinations to be improper, does not relieve Appellant of the need to argue the combinations. Furthermore as shown by the responses above, examiner has not misunderstood the arguments of Appellant. They have been found unpersuasive for the reasons given. Automation is an important part of the instant claims in view of the required control programs for temperature and composition and the computer to

store and coordinate the measured data. While there are other issues, this is a primary difference between the Tondre reference and the instant claims.

Relative to the declarations attempting to show commercial success, examiner notes the following, the declarations did not show if the price was discounted which is a clear motivation for purchasing that is not based on the features of the claimed invention. Furthermore, as noted above instant claims only require one type of measurement. When one looks at the invoices, it is clear that Procter and Gamble got an instrument with 4 measuring devices. If they got it because of the ability to measure multiple properties simultaneously, the there is no nexus with the claims that only require a single measurement since the reason for buying the instrument is not commensurate in scope with the claimed method and apparatus. Additionally, evidence that the potential market includes a thousand or more customers gives a different perspective to the placement/sale of four instruments compared to a market of 50-100 potential customers. Also in this regard, because a company such as Procter and Gamble was willing to buy the instrument does not mean that a smaller company would find the purchase of an instrument to be desirable even in view of its advantages. Thus the fact that Appellant has sold one or four instruments is not adequate information to enable a determination that there is commercial success that is related to the claimed invention and not for other factors unrelated to the claimed features. If applicant has additional data related to commercial success, the Appeal Brief is not the proper format to present the information.

Examiner notes that the prosecution history does not bear any relevance to the obviousness of the rejections that are currently applied against the claims. This is not an issue for appeal or a proper argument against the obviousness of the instant claims in view of the

references. Yes the Tondre reference was not found in the first search conducted by examiner, however this appeal is not directed to the reference combinations applied prior to the last office action and should be limited to those issues.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Arlen Soderquist
Primary Examiner

Arlen Soderquist

Conferees:

Jill Warden

Jill Warden

Romulo H. Delmendo

Romulo Delmendo